DOCUMENT RESUME

ED 188 837 RC 012 108

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TITLE The Indian Child in Special Education: Two Persons' Perceptions.
PUB DATE May 80
NOTE 28p.

EDRS PRICE MF01/PC02 Plus Postage.
DESCRIPTORS *American Indian Education: *American Indians: Bilingual Education: Communicative Competence (Languages): *Educational Diagnosis: *Educational Legislation: Elementary Secondary Education: Individualized Instruction: Mainstreaming: Parent Participation: *Parent School Relationship: Policy Formation: Referral: Reservation American Indians: School Policy: *Special Education: Testing Problems
IDENTIFIERS Arizona: *Public Law 94 142

ABSTRACT

The implementation of PL 94-142, special education for Native American children, is addressed in these six essays. PL 94-142 guarantees all exceptional children the right to a free education: in addition the child's program must be tailored to meet the pupil's individualized needs with all instruction appropriate to the child, providing a least restrictive environment for his participation in learning. For the Native American exceptional child, this concept of education presents a temporary hindrance, yet an innovation. The referral process is activated only when a child seems unable to function adequately in the environment. On the reservation, the school has assumed this role of referral, although parents or guardians may accept the responsibility to refer a student. The referral is evaluated. This step includes a complete explanation of the evaluation so both the parent or guardian and the child understand what is involved: an explanation in their native language may be necessary. After the child's primary language is determined, the evaluation is conducted. Once the evaluation is complete, a multidiciplinary meeting, placement of the child, and an individualized education program are undertaken. The parent or guardian may participate in this meeting and an interpretor may be present to establish open communication. This procedure is not always conducted in this manner at schools on the reservation. An immediate redress of the referral process may be facilitated when parents' rights have been violated, educational direction of the child is hindered, or there is dissatisfaction with the referral process, student placement, or individualized program. Mainstreaming processes are briefly described. (EB)

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THE INDIAN CHILD IN SPECIAL EDUCATION: TWO PERSONS' PERCEPTIONS

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May 1980

RC012108

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P.L. 94-142: An Impression

P.L. 94-142 is a federal law that is designed to offer an education to all exceptional children; students who are handicapped as well as those who are gifted. This legislation specifically states that all exceptional children from age three through twenty-one must receive a free an appropriate education in the least restrictive environment. The las specifies certain provision for implementing Special Education program in the schools. It is very important for the parents, teachers, administrators, students and community to become aware of these provisions.

The law states that the exceptional child shall receive a free education. The rationale for this seems to lie in the fact that parents of exceptional students are taxpayers, too, and that it would be discriminatory to force these parents to pay additional sums for the education of their child. Therefore, free means that parents do not pay any additional money for the education of their exceptional child. For example, if the school determines that an exceptionai child needs glasses to learn, because the glasses become a part of the learning environment, the school must pay for the glasses--as well as the diagnostic procedure. Or if it has been determined that a child's aberrant behavior is causing instruction to be lacking, the school must pay for all theraphy; whether it is once a week or every day. Lastly, if "support services" such as physical therapy, speech therapy, or occupational therapy is needed as a part of the exceptional child's learning environment, the school must provide, at no cost to the parent. No where in the law does it indicate that schools who do not have these services can be excluded from giving these services to the child. The law only says that all that is needed for the education of an

exceptional child must be provided at no cost to the parent.

Under the law a full individual evaluation of the exceptional child's educational needs must be made before the child is placed in a Special Education program. Before, any formal evaluation, written parental permission must be obtained after the parent has been fully informed, in the parents native language of all information relevant to the evaluation activity. The evaluation is performed by a multi-disciplinary team, administering tests that are not to be racially or culturally discriminatory.

The law, also states that all exceptional children must have an individualized instructional program. Therefore, all programming has to be tailored to the child's present educational-environmental level, not the child tailored to the school's curriculums and/or curricula. Moreover, a student's academic direction has to be based upon data received from assessment instrumentation with the results establishing that child's present social-psychological-academic strengths and weaknesses. For the Native-American exceptional child, this concept of education presents a temporary hindrance and, at the same time, an innovation. The temporary hindrance is surrounded by the presently accepted educational system that possibly does not facilitate the growth of the exceptional child. However, the innovation is in the movement away from these educational systems. This movement away is based upon the ever-present realization that presently accepted instructional programming is not meeting the exceptional child's needs and will be augmented through the increasement of adjudications.

Possibly the greatest impact of P.L. 94-142 lies in the terms of appropriate and least restrictive environment. Appropriate, to this writer, has to be measured from whether the child is progressing according to the yearly established individualized instructional program. If the exceptional child is not progressing under the established individualized program, then that environment is not appropriate for that child and needs to be changed to becoming appropriate for that child. The term least restrictive

environment must "dove-tail" into appropriate. In order for the instructional environment to be appropriate, it must be least restrictive--also. If either of these is missing in the Native-American child's education, then the school may be violating the intent of the law and possibly are liable for their actions. And, perhaps, more important, the exceptional child is not acquiring the skills necessary for adulthood. If the Native-American exceptional child, for example, is mainstreamed into a classroom where the regular teacher has little knowledge of the child's problems or has no desire to have the child in the class--is this the appropriate classroom or the least restrictive environment for the child? Or, by the school not continually monitoring the exceptional child's individualized yearly program, and make the necessary adjustments, are they promoting an unappropriate and restrictive environment?

P. L. 94-142 has created an impact upon education, generally, and Native-American education--specially. It has guaranteed for all exceptional children the right to an education. Furthermore, this education must be free to the parents and must cover all additional services necessary for instructional programming. In addition, the child's program must be tailored to meet that person's individualized needs with all instruction appropriate to the child and all participation in the child's least restrictive environment. Possibly for the first time--this law will aid the parent, student, and teachers of Native-Americans in the pursuit of an education. Questions such as: (1) What is appropriate for each Native-American child; (2) What is the least restrictive environment for the Native-American exceptional child; and/or Who will be responsible for the exceptional Native-American child's individualized program, will be continuously discussed with answers coming from the schools, courts, and the legislatures. Yet, P.L. 94-142 is here and it will continue to be vanguard for the Native-American parent and exceptional child.

P.L. 94-142: The Referral Process

The referral process of P.L. 94-142 is simply the beginning of directing attention to possible exceptionalities of a student. It is, at the same time, the first of several legislated components which are constructed to augment the exceptional child's instructional programming. This process is activated only when a child seems to be not functioning adequately in the environment. Under no circumstance should the referral process be used to place a child into special education. Judgements of this magnitude should be made only after further investigation has been made.

The law specifically states that a student, parent or guardian, and school personnel can refer a child for possible further evaluation. At first glance these potential referring persons seem to be minimal. However, at a closer look, this is not the case. For example, we have stated that a student can refer. Does this mean that any student can refer another or can a student refer himself? Or what about the parent or guardian referring? Under the Navajo clan system all family members are some how guardians for the children. If so, can an aunt refer a clan member for special education? The intent of the referral process of P.L. 94-142 seems to be geared toward seeking as many avenues as possible for facilitating those persons, because of observed exceptionalities toward seeking directional instruction for that child.

Presently, reservation schools are only utilizing one component of the referral process—school personnel. Almost all referrals come from this area and are usually based upon the child's present academic performance. By possibly indirectly or directly not allowing the other avenues to be used, many Native-Americans

are not being referred and, therefore, will not be receiving the benefits of special education programming. Moreover, by utilizing only one referral avenue, are the reservation schools excluding other exceptionalities and possibly excluding many who are in need of special education?

The referral of a student must have some justification. The day of making grandiose platitudes about someone is no longer. Therefore, the foundation for referral has to be in the documentation of possible student academic/environment deviations. Instrumentation such as recorded observations of behavior, accurate accounts of student academic work completed, and the interviewing of others who have similar exposure to the student must be utilizied and submitted as a justification for the hypothesis which surrounds the referral. Without this supporting data, a referral is nothing but a subjective judgement which is based upon no more than one person's word. And is this adequate enough to possibly incorrectly label a student.

Once a referral has been activated, all paperwork is channeled to a designated administrator for final approval and further direction, usually the appointed administrator is the Director of Special Education. Arizona Special Education Regulations requires that the referral must be completed thirty days after it is begun with the person initiating the referral being informed as to the conclusions and recommendations. However, the ultimate future of the referral lies solely with the designated administrator. This administrator basically has two avenues of choice for the referral. The first is to terminate the referral. The second, is to continue with

other components of 94-142 utilizing the referral data as a foundation. All decisions must be made on compiled data. If the submitted referral data does not denote a justification, but does show some cause, the administrator can request from the initiator more information for a better decision to be made. At no time during this process, should a child be considered as a special education student nor should the student be placed into a special education class.

If a decision has been made that the referral is valid and the student warrants more investigation, the parent or guardian must be notified with permission sought for future direction. During notification, the parent or guardian must be informed of all information compiled during the referral process and must understand what has taken place and what will take place in the future. The key is that that responsible parties for the child understand all. The understanding by the parent or guradian becomes the responsibility of the school personnel. Steps have to be taken to insure that all concerned are aware and have a understanding of the situation.

The referral is the beginning for possibly placing a child into special education. Its purpose is solely to bring the attention to students who seem to have difficulty with their environment. A student, parent or guardian, and school personnel can initiate the referral process. Once this process has been begun, the school has thirty days to complete it with some form of response being given to initiator. A referral does not automatically place a child into special education and should never be used for this purpose. It is simply the directing of attention toward a possible deficit. Once begun, the administrator has to make the final decision on whether it should continue or be terminated. All decisions should be based

on compiled data and documentation.

The reservation educator is not presently utilizing this process adequately and, consequently, may be reducing the educational opportunities of their charges. The avenue of students and parent referral are not being utilized. By not activating these avenues, potential Native-American students are being passed-over. Finally, personnel have not been adequately trained in the referral process. They have been told to refer a child, but have not been told to document their hypothesis. In addition, to aid the child, the student becomes labeled during the referral and is placed into a special education program. With this occuring, the child does not receive the full benefit of the individualized program and may have his/her right violated. By the personnel not being aware of the referral process, does not the Native-American student get short-changed in his/her education--again?

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P.L. 94-142 The evaluation: of the Native American Child

The evaluation process of a potential exceptional child follows the referral and is done only to acquire more information about a child. All evaluations are based solely upon referral information and are activated only when the referral warrents further information. However, evaluations are not automatic. Before any evaluation can be conducted, a form of written parental permission must be obtained. Representatives of the school have a legal obligation to inform the parent or guardian of their rights and the need to gather more information about the referred child and to make sure that the parents fully understand in their native language the need for the evaluation. The reason behind this emphasis is to protect the child's and the parents' constitutional rights. At no time during the evaluation proceedings should the child be placed into a special education classroom or have any label directly or indirectly applied.

The first step of the evaluation procedure, and perhaps the most important is the determining of the referred child's primary language. This is important because the multidisciplinary team will understake different avenues based upon the results of the evaluation. For example - if it is determined that the child's primary language is causing the academic problem, then further evaluations must be terminated and other academic programming such as bilingual instruction should be sought. On the other hand, if the child's primary language is determined, but is not to be causing the academic deficit, additional evaluations are to be conducted in the child's primary language. If the school fails to determine

the child's language and/or to administer the evaluations in the primary language, they increase the probability of error and possibly cause all evaluations to be invalid. By increasing the invalidity of the evaluation, the placement of the child into special education may become invalid.

Once the child's primary language has been determined, other evaluations can be performed. Proper selection of test instruments is a must and should be dictated by the child's present academic - environment functioning. General areas that have to be evaluated are the child's present physical, psychological, academic and sociological condition. Each area of evaluation must be done in conjunction with the other and as quickly as possible. The Special Education Conditions and Standards of Arizona recommends a maximum of 60 days from the day of referral to completion of all evaluations. The reason for this time frame lies on the philosophy that all concerned individuals have a right to know what direction is going to be taken and the information supporting this direction. Also, that if the referred child has an academic - environment deficit, the documented evaluation will facilitate immediate proper programming.

Evaluations can be as simple as the administering of a paper and pencil test or as sophisticated as performing an extensive neurological work up. The type and degree of evaluation, therefore, is dependent entirely upon the child's - needs and deficits. For example - if one evaluation indicates a problem - another evaluation must be conducted to accurately assess the problem. Usually, a battery of standard tests are given to all potential exceptional child. However, this standard battery must be used as a foundation with additional tests incorporated to pinpoint specific deficits. Presently the battery of tests are being used

with no further investigations desired. Gross conclusions are being drawn with possibly incorrect programming.

Evaluation is a critical component of P.L. 94-142. It is critical because it establishes an academic-environment foundation for that child and dictates the child's programming direction. For the Native-American exceptional child, this process may not be valid, and if not valid, possibly majority of the Native-American students are being incorrectly placed into special education. Moreover, by incorrectly placing the Native-American child, are the schools not violating that students constitutional right?

The invalidity of evaluations may have its foundation in the statistical normative process of the tests used. As mentioned, the first step in evaluation is the determining of the child's primary language and determining whether the primary language is causing academic problem. Too date, few tests have ever been constructed to determine a child's primary language and have not obtained a large enough sample to promote validity on the dilects of the Native - American language. Because of these possible statistical errors, can correct inferences about the child's language or whether the language is causing the academic-educational program be drawn? Secondly, a standard practice of evaluation is the administering of a intelligence-quotient instrument. Have these I.Q. test ever been normed on the Native - American population? If not - can valid conclusions be drawn about that Native - American child's academic - mental environment? Finally, some form of education evaluation is performed. Usually a standardized instrument is used, and this too has not been normed on the Native - American population. By not having this statistical treatment, possibly majority of the results are invalid. By using invalid data, the Native - American child may be incorrectly placed and constitutional rights violated.

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P.L. 94-142: The Multidisciplinary Meeting, Placement, Individual Education Plan for the Native-American Child

The referral and evaluation components of P.L. 94-142 provide for further processes to occur. Once the child's evaluation has been completed, a multidisciplinary meeting, placement of the child, and an individualized education program are undertaken. Usually, the latter three components are performed at the same time. However, all of P.L. 94-142's components are separate from the other and must be activated in the legislated sequential order, for if the order is somehow broken, data collection and/or conclusions may be invalid.

The Multidisciplinary Meeting

Following the evaluation, a multidisciplinary meeting is conducted. The appointed time for the meeting is mutually agreed upon by the parent or guardian and the school. At no time shall the school establish an appointment that is inconvenient to the parent or guardian. However, if the parent or guardian show no desire to attend the multidisciplinary meeting, it is to be conducted without them. But, prior to the meeting, documented attempts have to be on file showing that the school attempted to conduct the meeting with the parent or guardian present. Three attempts by the school to have the parent or guardian present are to be made before the meeting takes place. These attempts may be made through mail and/or through home visits. Whether the parent or guardian is present or not, the results of the meeting should be explained to them in their native language.

Those present at the multidisciplinary meeting shall include but not limited to: the student, when necessary, the parent or guardian, a school administrator,

person responsible for the evaluations, a special education teacher, the child's classroom teacher, and an administrator responsible for special education. If necessary, additional persons such as medical personnel, a speech therapist and physical therapist shall be included. The rationale for as many persons to be present as possible is to acquire more knowledge about the child so that an accurate educational program can be developed.

At the meeting, all evaluation results are to be discussed with great emphasis placed on making sure that the child, parent or guardian understands what is being said. When necessary, an interpreter shall be designated for the parent. Also, parents must be informed of their rights, they may agree or disagree with what is being said. It is essential that parents have input. Under no circumstances should one or a few of the participants be responsible for the drawing of conclusions about the child. When a conclusion is to be drawn, it has to be agreed by the majority present. If any of the participant disagrees with the majority's conclusions, that person has the right to exercise his/her opinion, in writing, and have it included in the child's record. This right should never be denied. Prior to the multidisciplinary meeting, no conclusions and/or direction are to be drawn about the child. No label is to be placed on the child until after the evaluations have been reviewed and all have had an opportunity for input.

Placement

Based upon evaluation conclusions and open discussion of the multidisciplinary meeting participants, placement of the child is done. The placement is completed when the majority decides that the child should be placed into special education program. This is done with the permission of the parent.

Placement is two-fold. The first is a decision to place or not to place the child into special education. This decision rests solely on the data

presented during the multidisciplinary meeting. If the majority feel that the child is not to be placed into special education, the multidisciplinary meeting is disbanded without making any recommendation for the child. All information is turned over to another educational area for other direction, for example Title I and/or bilingual program. On the other hand, if the child is placed into special education, the second component of placement is activated, which is determining a handicapping condition for the child. The child's educational direction is then compiled based on the handicapping condition. Placing the child into a learning disabilities classification, for example, dictates the specified educational direction. This, in turn, lays the foundation for defining the educational direction which is done through the individualized education program (I.E.P.).

Individualized Education Program (I.E.P.)

The I.E.P. becomes the working procedure for all the components that have preceded it. The I.E.P. is based on all data that has been collected on the child. It serves as an educational direction for the child as well as an evaluation for the information collected.

The I.E.P. consists of educational goals for one year for school personnel who actively instructs the child. Each person, who is a part of the child's education, has a written goal of what they desire that child to accomplish in their area for that year. For example in a residential setting, the child should have dormitory goals and academic goals. Realistically, if the child has ten persons involved with his education, ten goals should comprise the child's I.E.P. in the areas where the child is not performing to the standards of the educational activity. All goals are based on the compiled data and continuously measured to see if educational progression is taking place. If the measurement of a goal indicates that the child is making no progress, the

goal has to be changed. Additional evaluations are to be used to realign the goal. Failure to adjust the goal will possibly cause the child to fall farther behind in school. To prevent goals that are not helping the child. P.L. 94-142 clearly states that a biannual summary of the child's educational program must be given to the parents. This summary logically has to be based on the established goals. It must show how much progress has taken place at the time of the summary. Grades should never serve as the summary, for they have never served as an adequate account of a person's educational direction.

Individual Instruction Plan (I.I.P.)

Each person who actively instructs the child has an I.I.P. The I.I.P. is step-by-step account of how the child is progressing toward the established goals. This step-by-step account is called short-term objectives. The objectives are sequential in nature and include the type of instruction that is being used to augment the completion of the goal. Each objective has a date when it was begun, and a date when it was completed. Also included is some documentation showing that it was completed and that the child learned it.

The I.I.P. is a supplement to the IE.P. It is designed to assist the educator in instructing the child in that it provides to the educator a short-temr account of the child's progression toward the established goal. Based upon the completion or non-completion of the objectives, the established goal can be adjusted to meet the present educational needs of the child. To not have some form of short-term objectives may possibly be causing the child not to progress in the way he should.

Conclusion

The multidisciplinary meeting, placement and individualized programming are critical, for they actively incorporate the Native-American child, parent or guardian. Each of the discussed components become critical because each

seeks information from the child, parent or guardian and actively include the wishes, desires, and needs of these important participants. Although P.L. 94-142 stress that the parents or guardian and the child, when necessary, should be involved, at all stages, most often the Native-American parent is not involved. Schools usually follow the legislated sequence of the law but they often neglect to take the time to inform the parents of their rights or making sure that the parents understand what is taking place. Furthermore, the Native-American parent is not being told what educational direction their child is taking while in special education. Consequently, the child remains in special education and continues to fall behind.

Another point is that the schools conduct the multidisciplinary meeting. They contact the parent and the parents are sometimes present. Present--yes, informed, no. The meeting is held with school-related persons and the parent. Just being in the room with all these people has to be overwhelming for the parent. Thus, all the parent wants to do is get away from the situation and usually agrees to almost anything.

During the meeting, everyone discusses the child in their own professional jargon. Granted, the school will provide an interpreter, but does the Navajo language provide for special education terminology? If not, how can a person understand what is being said? Or does the school take the time to have an outside advocate present to assist the parent in knowing what is going on or provide valid input to assist their child? Because of this, the components of multidisciplinary meeting, placement, and individualized educational direction become an exercise that expresses the school's desires and not the parent's desires. By doing this, possibly a very important part of the child's educational programming becomes non-functional and inaccurate. The placement, I.E.Ps and I.I.Ps totally become the wishes and concepts of the school. Each are used to reaffirm the school's conceptions. Thus, all reports given to the Native-American parent becomes meaningless and one-sided with the legislated foundation

being worthless and the education of the Native-American special education child meaningless.

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P.L. 94-142 SAFE-GUARDS: MULTIDISCIPLINARY MEETING AND DUE PROCESS

P.L. 94-142 has built in safe-guards to insure that the student's education is appropriate and in the least restrictive environment. From the referral to the writing of the student's individualized educational program (I.E.P.), the legislated sequential order promotes this insurance. Each of 94-142's components specifically demand documentation and the involvement of concerned person. By utilizing these in conjunction with the sequential order, all conclusions and recommendations have some foundation and, therefore, a basis for the appropriate placement of the student in the least restrictive environment. However, for whatever reason, the child's placement is not appropriate or is not in the least restrictive environment, P.L. 94-142 has incorporated the multidisciplinary meeting, informally and due process, formally to promote redress, quickly.

The Multidisciplinary Meeting

The multidisciplinary meeting, as discussed earlier, is a time when all who are actively involved with the student get together to discuss compiled data and personal-professional findings about the child. Based upon the majority's recommendation, the child's education-instruction program is planned and begun. The multidisciplinary meeting is conducted prior to the child entering into a special education program.

Once the child is in a program, the multidisciplinary meeting can be called again for review of inappropriate Individualized Education Plan

and/or program placement. The meeting can be called by a teacher, parent, administrator, student, or support personnel. It can be called as often as necessary and by any person who feels that the child's program is not adequate. The central theme for the utilization of the multidisciplinary meeting is to make the necessary adjustments in the child's program immediately so that the instructional direction becomes appropriate and the environment conducive to learning.

At the meeting, all legislated procedures must be followed. Data relative to the problem need to be discussed. In addition, the person(s) requesting the meeting must provide documented information for their rationale as to why the present programming is not appropriate for the child and/or is causing a restrictive environment for the child. Once again, the majority present has to agree on either continuing with the present program or adjusting the program to more adequately meet the needs of the child. If the minority feel that the majority is in error, they have have the right to write their opinion and have it incorporated into the record. A summary of the proceeding/recommendations are to be given to all members including the parents.

Due Process:

Due Process is another safe-guard. It is a formal procedure that can precede an adjudication. It is designed to remediate any problem with a child's program at the local level. Due process takes place only when the problem cannot be handled by the participants. A due process hearing can be called by the parent or guardian or the school when either feel that a problem cannot be settled or is being settled inadequately.

In Arizona, following a multidisciplinary and/or placement meeting,

any party who feels that the directional programming for the child is inappropriated or restrictive has the right to request a due process hearing. The request must be in writing and submitted to an administrator within 21 days of the meeting. Usually, this written request is activated by the school or by the parent. But it would seem that any participant could activate a due process hearing guaranteed to them under the 14th amendment.

Once the written request for a due process hearing has been received by the school, a date for the hearing is set and the State Department of Education is notified. The hearing is to be held 45 days from the date the written request is received by the school. The State Department of Education is notified to supply an impartial hearing officer. During the 45 days preceding the hearing, the school and the complaining party have the responsibility to actively attempt to resolve the problem. If an agreement is reached, the complaining party requests, in writing, for the hearing to be terminated. But, if both cannot come to an agreement, the hearing is to be held on schedule. At no time shall the school or the complaining party attempt to badger the other into terminating the hearing.

At the hearing, the hearing officer has the responsibility to conduct the proceeding in a fair and impartial manner. Opportunities for both sides to present their evidence must be given. Each side has the right to cross-examine witnesses and to be represented by legal counsel. Each side has the right to produce outside experts with special knowledge of the child or the child's handicap. In cases where another language is the primary language, an interpreter shall be provided. An accurate account of the hearing to to be kept and made available to the concerned part on request.

The hearing officer shall be responsible for reviewing all relevant facts concerning the child's program. This shall include any independent information secured by the parent. Based on the data, the hearing officer will determine whether the school has met all aspects of P.L. 94-142 and render a decision 10 days after the hearing in writing to all concerned parties.Based on this decision, the child's educational program will be adjusted or remain the same and all personnel responsible for the child's program must abide by the decision.

Prior to the hearing, the child's program shall not be changed. The changing of the program comes only when both parties agree or when the hearing officer decides following the hearing. The reason for keeping the child in the program is simply that neither party knows what is appropriate for the child and that the present program may be better than none at all. Or that constantly changing the child's program might facilitate more of an inappropriate program.

If either party feels that the hearing officer's decision is invalid they nave the right to appeal to the State Department of Education. However, they must follow the hearing officer's decision until the State Department provides a ruling. The appeal shall be in writing and on file with the State Department of Education 10 days following the hearing officer's written dicision. On receiving the written appeal, the State Department of Education has 30 days to respond. Representation will review all proceedings in relation to whether all procedureal requirements were observed and that the decision of the hearing officer was arbitrary or unreasonable in the light of the evidence. Following the State Department of Education's decision, if the concerned party(s) feel that the child's program is still not appropriate, they have the right to have it adjudicated.

Conclusion

P.L. 94-142's built-in safe-guards are important to every hardicapped in individuals and the instructors of handicapped. These safe-guards provide for the child to be educated appropriately in the least restrictive environment. For the parent, they have the right of overseeming their child's education and can use the multidisciplinary meeting and due process hearing to insure their right. For the school and the personnel of the school the foundation is the same. With both seeking the same end, the child benefits by participating in an appropriate education in the least restrictive environment.

Whenever a problem occurs that cannot be resolved and is possibly reducing the child's program, these safe-guards can be activated to facilitate redress. The multidisciplinary meeting can be looked on as an informal safe-guard. It can be called by any of the participants at any time. Its only purpose is to rediscuss the data and impressions and see if a mistake has been made. And if so, the mistake can be corrected and the child will benefit by having a better program.. On the other hand, the due process hearing is more formal and activated when concerned persons cannot agree on the child's educational program. By presenting their views in front of an outsider of the school hearing officer, and allowing that person to decide, another view is gotten.

The safe-guards are there to be used by all who are concerned with the special education child. In order for the child to progress, the safe-guards must be used and used frequently. By not using these safe-guards, the child may not progress to his/her fullest potential.

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MAINSTREAMING

Is mainstreaming and educational reaction denoting a lack of academic-behavioral directionality for the handicapped student? Mainstreaming seems to have its origin in the social-political realm with the judical system being the forebearer. Adjudications, such as Diane vs. The State Board of Education, have facilitated investigations like MacMillan and Becker (1976) to indicated that mainstreaming may have evolved as a result of forces which became heard during a time when the socio-political climate was sympathetic. Or as Tarver, (1977) seems to have pointed out by stating that mainstreaming was brought about by a convergence of many related issues.

The debate over whether special classes or regular classes are better for students, is not new for, at least, the past two decades, investigators have compiles data to support their view and, at this time, nothing seems to be resolved as to which classroom setting is better. Yet, all of this data must have been discarded, for the majority of the country's districts are placing a large number of exceptional students into a mainstreaming program. However, questions are being raised, Tarver (1977) perhaps has spoken for the majority of the critics of the regular classroom when she questioned if the regular classroom had changed significantly enough in recent years to promote a return of the exceptional child to that environment. Also, along the same lines are MacMillan and Becker (1977) when they wondered about the reasoning behind the placing of students back into a regular environment when they had failed, previously, in this setting.

Recent investigations on mainstreaming have done little but to indicate the need for more research. Cottlieb et al. (1976) and Kaufman et al. (1973) have attempted to describe mainstreaming processes. They attempted to investigate the: 1) type and number of exceptional children that were mainstreamed; 2) amount of time during which the student was mainstreamed; 3) subject area the child was mainstreamed in: and 4) the influence of race on mainstreaming decisions. It was concluded that variations existed in the interpretation of mainstreaming and that other variables, other than the child's needs, were utilized in making decisions. Yoshida et al. (1976) investigated the reassignment of mentally retarded to the regular classroom through mainstreaming. They concluded that regular teachers did not perceive the exceptional child as a negative influence on their class and that many of the mentally retarded students performed as well or better than their normal peers. Further investigations are being called for as indicated by Grosenick (1978) in such areas as: 1) administrative and student oriented variables; 2) student attitudes; and 3) acceptability of information to practitioners. However, along with the call for more data, comes warnings. Tarver, once again, has raised the issue that individualized instruction is being questioned because of the lack of evidence to support its effectiveness.

P.L. 94-142s main thrust is that an exceptional child has the right to be provided with a free and appropriate education in the least restrictive environment. No-where in the law is the word mainstream utilized or indicated. No-where is mainstreaming presented as the only least restrictive environment. The law, however, does seem to dictate that a child's least restrictive alternative must be based upon their individually prepared evaluation and instituted according to the child's present level of learning.

Therefore, based upon the inclusive mainstreaming data, are educators: 1) reacting to socio-political forces; 2) facilitating academic-behavioral inequality; and 3) possibly not providing a least restrictive environment by mainstreaming most exceptional students?

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